BENTI: The attorney for three of the eight Green Beret soldiers in Vietnam who have been charged with the murder of a Vietnamese double agent, is Henry Rosen - Rothblatt of New York. Mr. Rothblatt has just returned from South Vietnam. He's in our studion this morning. Good morning, Mr. Rothblatt.

ROTHBLATT: Good morning.

BENTI: You - you came back from Vietnam after what I take to be a kind of pre-trial hearing full of confidence for the three men you represent. Is it your understanding that they will not have to face trial.

ROTHBLATT: Well, I sincerely believe so. The evidence that I heard at this hearing, the testimony that I read at the hearing that preceded my attendance there convinces me that there is absolutely no case either legally or otherwise against these great officers. And the Army has no choice but to dismiss the charges and return them to duty.

BENTI: Well, why should the Army dismiss the charges if, in fact, there seems to be, if all the reports are correct, at least some strong indication that they were involved in the murder of a Vietnamese double agent?

ROTHBLATT: We don't try people in this great United States and particularly we don't try Army officers in courts martial on suspicion innuendo. We need legal evidence, legal proof.

BENTI: You're saying the Army doesn't have a case.

ROTHBLATT: No case at all.

BENTI: You call these men, great men. I imagine there'd be some who would dispute that because of the particular frame of mind I think many Americans have over the Special Forces and their role. In this case, at least if it is only suspicion, the hint of the kind of operations that the Green Berets are involved in. Why are these men great to you? That's a pretty big word, I think.

ROTHBLATT: We're engaged in a conflict. Whether we like - whether we should or should not be ~~there~~ in this conflict is a question that might be discussed at another time. But since we're in this business of war this has to be done effectively. They're doing the job that was assigned to them, as I think late President Kennedy said, when speaking of the Green Berets, with distinction, with excellence and with courage. From my knowledge of this - these men, from my knowledge of the case, from what I've heard and all of the information that I can gather, they are representative, those three words, "distinction, courage and intelligence."

BENTI: You - in your talks when you first came back you referred to an agency, a civilian agency, which you left unnamed and now the most recent reports of conversations ~~m~~ you've had, indicate that you name the C.I.A. You quoted as saying C.I.A. That's the main agency involved then, isn't it?

ROTHBLATT: Well, there have been enough discussion of this subject in various periodicals and news medium that the C.I.A. plays an active role in these type of operations. It's quite clear where these functions come from. At the hearing in this case that I was privileged to attend, a representative of a certain agency, it should be clear, committed in my judgment the most terrible kind of moral deception, lied, committed perjury when we were trying to seek the truth. And only under the test and crucible of cross~~m~~ examination were we able to elicit this. That an agency should commit these bunglings and then in a hearing where the charges are being heard, to lie to cover up these bunglings, is shocking to me.

BENTI: The ~~xxxxx~~ essence of their - the lie, if ~~xxxxx~~ indeed it was, or the perjury, was to what, protect the C.I.A. against the Army or to protect its role in this case?

ROTHBLATT: Protect its role in this case. To protect the stupidity and

BENTI: They were working then, one can assume, in hand with the Green Berets in this case.

ROTHBLATT: Well, you understand that I'm not privileged to discuss this information specifically since its classified. I wish I could.

BENTI: Well, then let me give you another area that may also fall in the classified category. This morning The New York Daily News reported that un - at least contrary to all of the reports we had heard, that it was not a question of the C.I.A. turning tail and requesting charges against these men but in fact that one of the eight somehow felt that his life was in jeopardy and he went to the Army and told of what had happened.

ROTHBLATT: I wish I could discuss the details but that news story is not essentially correct. I would love to discuss it. The details are interesting.

BENTI: Well, you mean you are bound by court order not to discuss...

ROTHBLATT: I am bound by statute. I may not discuss or make known classified information. If I - to do so would be in violation of law as well as a violation of the basic principles by which I'm guided.

BENTI: John Hart is in Washington, Mr. Rothblatt. John.

HART: Mr. Rothblatt, I'm curious to know from your conversations with your clients as to whether there have been other executions and what is the general pattern and the practice of the Green Berets.

ROTHBLATT: Well, Mr. Hart, the Green Berets do what they are ordered to do. They play an essential function in the intelligence operations of any military or war, any military operation or war. They do what has to be done and they do it very well. They do it intelligently. They do it with plan and foresight.

HART: Well then, these executions are not unusual.

ORTHBLATT: Definitely not.

HART: Do your clients talk to you about, about other executions?

ROTHBLATT: yes.

HART: That they have performed?

ROTHBLATT: I would say, they've talked to me about operations in which they were involved, without being specific.

HART: Well, what are the circumstances under which the other executions take place.

ROTHBLATT: Again, I would love to be specific, and understand, I'm not trying to evade you because I want to. Plans are set off as part of their normal operation, their normal duties, of gathering information, getting essential knowledge that is required by the military. Sometimes steps have to be taken and those steps are taken.

BENTI: The steps in this case mean assassination.

ROTHBLATT: Whatever has to be done to carry out their military effectiveness is done. This is war.

BENTI: Can I ask you a question which has nothing to do with the specifics of this case but you've talked to at least three of the eight men, possibly all eight.

ROTHBLATT: I've spoken to all of them.

BENTI: Given the moral precepts we operate by in the United States, how do you read men like this? In - literally, from what you've said so far they're trained murderers and that's what they operating.

ROTHBLATT: No ~~xxxxx~~ they're trained military men to gather essential information and to be as effective as they can for our war operation.

BENTI: And if that involves killing an agent or a suspected agent, they'll do that if that's the order?

ROTHBLATT: A soldier in battle is required to kill in the part - as a course of his battle. If these men are required to kill in the course of

ROTHBLATT (Continued): thier work, they kill. They're soldiers. This is war.

BENTI: Thank you very much.

ROTHBLATT: You're quite welcome.

BENTI: Mr. Henry Rothblatt, the defense attorney for three of the eight Green Berets charged with murdering a South Vietnamese double agent.

ANNOUNCER: The ~~xx~~ time now, 21 minutes past the hour.

(ANNOUNCEMENT)